



COPY OF PAPERS
ORIGINALLY FILED

GP 2811

file: 5780

#5
PP
2/26/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gormley et al.

GROUP: 2811

SERIAL NO: 09/661,766

EXAMINER: Hung K. Vu

FILED: 09/14/2000

FOR: A METHOD FOR FORMING A SEMICONDUCTOR DEVICE AND A
SEMICONDUCTOR DEVICE FORMED BY THE METHOD

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

RESPONSE

RECEIVED
FEB 21 2002
TC 2800 MAIL ROOM

In response to the First Office Action Restriction Requirement mailed November 30, 2001, the Applicant select Group II, Claims 1-39 with traverse.

The Examiner argues that the device of the Group I invention could be made by processes materially different from those of the Group II invention. He suggests as an example that selective forming of the second layer, the third layer and the second etch stop layer everywhere except in areas where the component needs to be formed. Firstly, it is difficult to follow the line of argument taken by the Examiner, and how the proposed selective forming of the respective layers could be used to produce the device of Group I. Claim 40 of the Group I device requires that:

- (a) prior to bonding the second etch stop layer to the one of the second and third layers, the second etch stop layer is patterned to define the component in the second layer for facilitating etching of the second layer through the third layer and the second etch stop layer, and

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Emily Powell
Name

12/27/01
Date

- (b) the second layer is etched subsequent to the second etch stop layer having been bonded to the one of the first and second layers.


The process of claim 1 requires the method to include similar features as follows:

- (a) prior to bonding the one of the second and third layers to the second etch stop layer, patterning the second etch stop layer to define the component in the second layer for facilitating etching of the second layer through the first layer,
- (b) bonding the one of the second and third layers to the second etch stop layer, and
- (c) etching the second layer through the third layer and the second etch stop layer for forming the component in the second layer.

It is respectfully submitted that if the device of the Group I invention were to be made according to claim 40, it could be made by no other process than the method of the Group II claims. Accordingly, it is respectfully submitted that the inventions are not distinct, in that the product of Group I could not be made by a process materially different from that of the Group II claims. Conversely, it is submitted that the method of the Group II claims could be used for producing no other device than that of the Group I claims, since both sets of claims claim corresponding features.

Examination on the merits is respectfully requested.

Respectfully submitted,



Matthew E. Connors
Registration No. 33,298
Samuels, Gauthier & Stevens
225 Franklin Street
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension: 112